No 659
23/10/99

CIVIL SERVICE.

1. The principle of special selection for promotion referred to in the following extract paragraph 18 of the letter from the Government of India to the Government of Bombay, No. 301, dated 14th February 1890, will be strictly carried out by the Government of Bombay :—

"Lastly, I am to invite attention to paragraph 23 of the Government of India's Despatch of the 9th October 1888, and to say that the principle of special selection must be rigidly enforced on all occasions of appointments made from the Provincial Service to the posts of District Officer, Sessions Judge and the ungraded appointments made under the statute. I am also to take this opportunity generally to say that the Governor General in Council fully accepts the 46th recommendation of the Public Service Commission that, inasmuch as the administrative charge of a district involves very responsible duties, the principle of selection should be more completely adopted even when a member of the Indian Civil Service is to be promoted to such office. His Excellency in Council has had occasion, in connection with memorials, in which officers have complained of their supersession by juniors in the post of Divisional Commissioner, to express his adhesion to the principle that selection and not seniority should govern such high appointments. The principle of selection must be more absolute in respect of such appointments as that of Commissioner than it is in respect of the appointment of District Judge or Magistrate and Collector, but it should be distinctly recognized that mere length of service gives no claim to promotion in the Indian Civil Service above the rank of First Assistant Magistrate, and that no officer should be appointed to the charge of a district, who has not in the course of his previous service given distinct evidence that he is fit for such office."

(G. R. No. 2443, dated 8th April 1890.)

2. A Statutory Civilian who has exercised the option of remaining in his former position, instead of being transferred to the Provincial Service, the maintenance of the *status quo* would simply mean that his appointment would continue as hitherto to be specially treated outside both the Covenanted and Provincial Services. He would not belong to any organized service in which he would, under ordinary circumstances, rise by seniority to certain posts. His claims to advancement would depend entirely on the merit and ability that he might display, and each step that he might gain would be treated as a fresh appointment under the rules passed under the Act of 1870. (S. of S. No. 104, dated 12th September, 1889, and G. I., H. D., No. 2329, dated 2nd December 1890; *vide* G. R. No. 9008, dated 17th idem).

3. As it has been decided by the Secretary of State that a Statutory Civilian is the incumbent of a particular office and not a member of an organized service, proposals for the appointment to fresh offices of individual Statutory Civilians must be referred for the sanction of the Government of India. This decision will not apply to promotions merely from grade to grade which do not involve a change in the duties and responsibilities discharged, such as that of a Second Assistant Collector and Magistrate to be a First Assistant, or of an Assistant

Commissioner of the 3rd Class to the 2nd or 1st Class. Such promotions can be made by the Local Government of its own motion. The sanction of the Government of India is, however, required before any promotion, however temporary, of a Statutory Civilian is made to the office of District Magistrate or District and Sessions Judge, or to any other office the duties of which differ in character from those of the substantive appointment of the officer whom it is proposed to promote. In urgent cases there will be no objection to recommendations for merely temporary promotions being made by telegraph. (G. I., H. D., No. 353, dated 24th September 1891; *vide* G. R. No. 7106, dated 15th October 1891.)

4. With the previous sanction of the Governor General in Council, the Governor in Council is pleased to notify that the following appointments in the Bombay Presidency, to fill which members of the Civil Service of India have hitherto been recruited, shall be appointments to which members of the Bombay Civil Service can properly be appointed, subject to the rules for the time being in force under 33 Vict., Cap. 3, Section 6:—

2 posts of Collector and District Magistrate.

2 posts of District and Sessions Judge.

*1 post of Joint Judge and Joint Sessions Judge.

2 posts of Assistant Judge and Sessions Judge.

2. When these posts are held by members of the Bombay Civil Service their pay shall be as follows:—

Collector and District Magistrate—

	Rs.
If in the 1st Grade...	1,600
If in the 2nd Grade	1,200

District and Sessions Judge—

	Rs.
If in the 1st Grade	1,600
If in the 2nd Grade...	1,200
If in the 3rd Grade...	1,000
Joint Judge and Joint Sessions Judge ...	800

Assistant Judge and Sessions Judge—

	Rs.
If in the 1st Grade...	600
If in the 2nd Grade	500

3. In addition to these appointments the following appointments, for which recruitment has hitherto been made in the Civil Service of India, have been thrown open to the Bombay Civil Service and added to the existing grades of that service:—

		Rs.
3 posts of 1st Assistant Collector.	to be converted into	3 posts of Deputy Collector and Magistrate, 3rd Grade, on ...600
4 posts of 2nd Assistant Collector.		4 posts of Deputy Collector and Magistrate, 4th Grade, on ...500

* This appointment has since been converted into one of Assistant Judge and Sessions Judge of the second grade (Government Notification No. 5062, dated 3rd July 1897).

			Rs
2 posts of Assistant Collector.	to be converted into	2 posts of Deputy Collector and Magistrate, 6th Grade, on	...300
1 post of Tálukdári Settlement Officer...		...	...800
1 post of Registrar of the High Court *		...	...1,200

(G. N. No. 6768, dated 23rd August 1892).†

5. In the case of officiating appointments of provincial officers for short vacancies, not exceeding three months at a time, to Headships of Districts and District Judgeships, no reference to the Government of India need be made. Such short vacancies will afford the means of testing an officer's fitness for more extended employment in those posts; and in reporting to the Government of India for sanction nominations for longer periods it should always be stated whether an officer has been tried in this manner, and with what result. As a general rule it will be prudent to take every suitable opportunity of thus ascertaining an officer's capacity before proposing to employ him permanently in these important and responsible posts. The Government of India desires to correct the impression which appears to have prevailed in some quarters, that it will be necessary for a Provincial Civil Servant to go through the whole succession of subordinate grades in the executive or Judicial Service before he can be selected for a scheduled post. On the contrary, it will always be desirable to select persons for higher executive office who, while they have given proof of distinguished ability by sufficiently long service, are still comparatively young, and possess that bodily activity which is a *sine quâ non* for such employment. Every appointment of the kind must be based wholly upon fitness and merit, seniority being regarded only when the claims of two or more officers who are equally fit come into competition. Nor does the Governor General in Council intend that selection should be less absolute, or more restricted to the higher grades of the Provincial Service, in the case of judicial appointments. It has been too much the custom to regard promotion from grade to grade of the Subordinate Executive and Judicial Services as a mere matter of seniority; and it should be made publicly known that every Government and Administration reserves liberty to make promotions in these grades without regard to seniority.

The present Uncovenanted Service Leave and Pension Rules, or, in other words, the provisions of Part

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**Note*—It rests with the Honourable the Chief Justice to nominate an officer for the appointment, subject to any rules and restrictions prescribed by His Excellency the Governor in Council.

† It was suggested by the Government of India in paragraph 7 of their letter No. 2195, dated 10th November 1892 (G. R. No. 9499, dated 3rd December 1892) that in future similar notifications the Provincial Service in the Bombay Presidency should be designated the 'Bombay Provincial Civil Service' in conformity with the wording of the rules sanctioned by the Secretary of State.

III, Chapter XIV, of the Civil Service Regulations, regarding leave, and of Part IV, Chapters XV to XIX, regarding pension, will be applied to the Provincial Service. But the present Statutory Civilians whether they enter that service or not, will continue to be governed by the Leave and Pension Rules now applicable to them.

(G. I., H. D., (Public) No. $\frac{9 \text{ Public}}{1342\text{-}1352}$, dated 21st April 1892; *vide* G. R. No. 6768, dated 23rd August 1892.)

6. Of the general conditions, subject to which alone appointments can be made from the Provincial Service to the scheduled posts, the *first* and paramount condition is absolute and proved fitness, opportunity of testing which will be afforded by the officiating appointments for short periods, which Local Governments and Administrations will be able to make. *Secondly*, the maximum extent to which room in the higher offices will gradually become available for competent members of the Provincial Service, is one-sixth of the appointments in the cadre of the Indian Civil Service or the Commission, except in cases where Military officers in a fixed proportion are still, in Non-Regulation Provinces, recruited for the Commission, when the maximum is one-sixth of the total after deducting the proportion reserved for Military officers. *Thirdly*, such appointments save in the exceptional circumstances contemplated in paragraph 21 of the Secretary of State's Despatch of the 12th September 1889, are subject to the preferential right of officers who entered the service before the reduction of the recruitment in 1880—that is of Indian Civil Servants who passed the competitive examination in or before the year 1879, and officers of the Commissions appointed in or before 1881. An instance of the exceptional circumstances contemplated by the Secretary of State would be the creation of a new appointment outside of the existing cadre, to which no officer in the service could have a preferential right. *Fourthly*, such appointments are further subject to the right of the remaining officers of the Indian Civil Service or Commission (as the case may be), recruited after 1879—81, to have their claims considered to the extent to five-sixths of the posts for which recruitment was or might have been made in any one year. Thus, if it be assumed that the vacancies in the cadre for which recruitment of Indian Civilians in any one year after 1881 had to be made were ten, this, representing five-sixths of the total recruitment, would give two posts in that year to fill which recruitment might have been made for the Provincial Service; but the claims of officers in the Provincial Service to succession to those posts would not come into consideration until those of the ten members of the Indian Civil Service, or the survivors of them, had been considered; and when the two posts had been given to the Provincial Service, no more scheduled posts (always subject of course to the maximum of one-sixth of the total) could be allotted to that service till the legitimate claims to

promotion of the Indian Civilians of the following year had come under consideration. *Fifthly*, if no member of the Provincial Service who is fully fit and competent be available for any listed office which may become vacant, a member of the Indian Civil Service may be appointed to it. (G. I., H. D., No. 1536, dated 27th May 1892; *vide* G. R. No. 7070, dated 5th September 1892.)

7. The conditions which the Government of India and the Secretary of State have determined must be satisfied by candidates for admission to the Provincial Service, are the following :—

I.—Every candidate for appointment by recruitment must furnish satisfactory evidence—

(*a*) that he is not over 25 years of age, except in the case of Barristers, Advocates or Pleaders appointed to the Judicial Branch otherwise than by competitive examination. In these excepted cases article 63 of the Civil Service Regulations fixes the maximum age at 30;

(*b*) that he has attained a prescribed preliminary standard of education, and especially of qualification in one of the vernacular languages of the Province in which he is to be employed. The vernacular standard should be a high one, involving a thorough knowledge of the language and ability to write and read the written character with facility. In the case of Europeans and Eurasians, this requirement will have to be enforced by means of a special examination; in the case of Natives, evidence of it will be provided by the candidate having passed the University or School Standard Examinations;

(*c*) that he is of sound health, good physique, and active habits; and

(*d*) that he is of good character.

II.—Every person appointed to the Provincial Service by recruitment shall be subject to a period of probation or training during which time his appointment will be probationary only, unless in especial cases the Local Government declares such probation or training to be unnecessary.

III.—The subjects of Native Princes in alliance with Her Majesty shall be eligible for appointment, provided they are qualified in other respects.

IV.—Recent residence of at least three years in the Province should, as a general rule, be an essential condition of admission, and no Barrister, Advocate, or Pleader should be appointed as such unless he has been at least three years actually practising his profession in India and can speak the Provincial vernacular.

V.—Europeans who are not Natives of India shall be eligible, if qualified by the above con-

ditions, for appointment in the Bombay Presidency with the sanction of the Secretary of State.

VI.—No member of the Provincial Service shall be dismissed otherwise than on the result of a judicial or formal department inquiry.

(G. I., H. D., No. 1536, dated 27th May 1892; *vide* G. R. No. 7070, dated 5th September 1892.)

8. In exercise of the power conferred by Statute 33 Victoria, Chapter 3, Section 6, and in supersession of the rules published in Notification No. 1534, dated the 22nd August 1879, the Governor General in Council has been pleased to make the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

1. The Local Government may appoint any member of the Provincial Civil Service subordinate to it, who is a Native of India and of proved merit and ability, to any of the offices, places and employments ordinarily held by members of the Civil Service of India, to fill which it has been declared by such Local Government (by notification in the official Gazette) that members of such Provincial Civil Service can properly be appointed; provided that no appointment shall be made to the office of District and Sessions Judge, or Chief Administrative Officer of a district, or to any administrative office of higher rank, if the vacancy to be filled is permanent, or for a period of more than three months, without the sanction of the Governor General of India in Council.

2. The Local Government may, with the previous sanction of the Governor General in Council (but not otherwise) at any time appoint any Native of India of proved merit and ability to any of the offices, places, and employments specified by such Local Government in any such notification as in Rule 1 is mentioned; provided that not more than one-fourth of the offices, places, and employments so specified shall at any one time be held by Natives of India not members of the Provincial Civil Service subordinate to that Local Government; but this proviso shall not apply to or include any Native of India (not a member of a Provincial Service) who has, prior to the making of these rules, been appointed under Statute 33 Vict., Cap. 3, Section 6, to an office, place, or employment in the Civil Service of India.

3. The Local Government may (with the previous sanction of the Governor General in Council in any case in which such sanction is required for a permanent appointment) declare any appointment to be made on probation only, and may prescribe the terms on which it is made and the conditions with which the person appointed must comply before he can be confirmed.

4. The Local Government may at any time suspend and, with the previous sanction of the

Governor General in Council, remove any person appointed by such Local Government under these rules.

(G. I., H. D., Notn. No. 2159, dated 2nd November 1892, republished under G. N. No. 8813, dated 9th idem).

9. No. 1 of the above rules applies only to the appointment to reserved posts of members of the Provincial Civil Service, including such Statutory Civilians as may have been transferred to that service, or as may have availed themselves of the option of joining it offered in Home Department letter No. 1536, dated 27th May 1892.

The case of Statutory Civilians who have elected to remain in their original position will be governed by Rule 2 under which the previous sanction of the Governor General in Council is required to their appointment to any listed post. Such Statutory Civilians hold appointments outside both the Covenanted and the Provincial Civil Service, and the effect of Rule 2 is to continue in their case the principle of the existing orders* regulating their promotion. The sanction of the Government of India will not be required to promotions merely from grade to grade which do not involve a change in the duties and responsibilities discharged, such as that of an Assistant Collector to be a Second or First Assistant. These promotions may continue to be made by the Local Government of its own motion. The sanction of the Government of India will, however, be required before any promotion, however temporary, of a Statutory Civilian who remains in his present position is made to the office of Collector and District Magistrate, or of Judge and Sessions Judge, or to any other office which is entered as a separate office in the schedule to the Statute 24 and 25 Vict., Cap. 54, or the duties of which differ in character from those of the substantive appointment of the officer whom it is proposed to promote.

*Government of India letter No. 353, dated 24th September 1891. (G. R. No. 7106, dated 15th October 1891).

From the nature of the case, Europeans who are Natives of India within the definition contained in Section 6 of Statute 33 Vict., Cap. 3, cannot be appointed to any listed posts under the rules in question, inasmuch as the rules themselves and the Statute under which they are framed only authorize the appointment of Natives of India, as defined in Section 6, to posts ordinarily held by members of the Indian Civil Service. If it is considered desirable at any time in the public interests to appoint a European member of the Provincial Service to any of the listed posts, the appointment, in a Regulation Province, can only be made in accordance with the procedure of Sections 3 and 4 of the Civil Service Statute of 1861 (24 and 25 Vict., Cap. 54), if the office in question is entered in the Schedule to that Statute. In the non-Regulation Provinces, or in the Regulation Provinces if the office in question is not a 'scheduled' post but only reserved for members of the Indian Civil Service by executive order,

the appointment of a European member of the Provincial Service can only be made with the previous sanction, as an executive measure, of the Secretary of State.

(G. I., H. D., No. 2195, dated 10th November 1892; *vide* G. R. No. 9499, dated 3rd December 1892.)

10. A Statutory Civil Servant who does not join the Provincial Service, although legally the incumbent of a specific post, in practice obtains officiating promotion to higher posts *pari passu* with his contemporaries in the Indian Civil Service. His claims to promotion rest on seniority combined with fitness. His promotion therefore from one specific post to another is governed by principles analogous to those regulating the promotion of the members of the Indian Civil Service, and this being so the ordinary rules as to acting allowance in privilege leave vacancies (Art. 120 of the Civil Service Regulations) necessarily applies to his case. (G. I., H. D. No. 379, dated 9th June 1893; *vide* G. R. No. 4915, dated 7th July 1893.)

11. Although a Statutory Civilian does not belong to an organized service, his claims to promotion in the ordinary line of appointments reserved for Indian Civilians will, subject to his merit and fitness, be considered after the claims of the Civilian who ranks as his immediate senior under the standing orders for purposes of promotion have been satisfied or considered. Statutory Civilians who have elected to retain their present position are equally eligible with officers of the Provincial Civil Service for selection to all the posts in the cadre of the Indian Civil Service listed as open to the Provincial Service (*vide* No. 2 of the Rules under Statute 33 Vict., Cap. 3, Section 6, published with Home Department Notification No. 2159, dated 2nd November 1892). Statutory Civilians who have elected to retain their present position are not eligible for offices in the regular grades of the Provincial Civil Service. The Statutory Civilians who have joined the Provincial Service are on the other hand eligible for promotion to the posts in the regular grades of that service, such as those in the senior grades of Deputy Collectors or Subordinate Judges. Both classes of officers (*i.e.*, Statutory Civilians as well as *ex*-Statutories transferred to the Provincial Service) are equally eligible for the listed posts. (G. I., H. D. No. 1136, dated 14th August 1893; *vide* G. R. No. 6583, dated 11th September 1893.)

12. For the purposes of the Travelling Allowance Regulations, all Statutory members of the Provincial Civil Service should be treated as officers of the first class, irrespective of the pay which may be drawn by them. (G. I., H. D. No. 1302, dated 11th September 1893; *vide* G. R. No. 7171, dated 2nd October 1893.)

13. No Military or Uncovenanted Officers will be appointed to the revenue establishment in Sind. (G. R. No. 1482, dated 23rd February 1886.)

14. *The scheme sanctioned by the Secretary of State for India, in his Despatch No. 119, dated 3rd December 1885,* for facilitating the employment of Covenanted Civil Servants in the Revenue Branch of the Sind Commission, is that—

(1) all names of Covenanted Civilians should be removed from the list of the Sind Commission.

(2) in the grade of Collectors, an increase to the Presidency *cadre* should only be made when an actual appointment of a Civilian to a similar appointment in Sind is made and the increase is counterbalanced by a decrease in the Sind *cadre.*

(3) as regards the appointments of First and Second Assistant Collectors, officers in Sind must receive their promotion at the same time as their contemporaries in the Presidency, each such promotion, which will increase the *cadre* up to a limit of three in each grade, being made as required to carry out the above scheme, without reference to the fact whether such increase causes an increase over the present combined Sind and Presidency *cadres.* Increases once made are to be permanent.

(G. R. No. 4573, dated 30th June 1890.)

15. A Covenanted Civilian serving in Sind can only be promoted when the Civilian next below him on the Presidency list becomes eligible for promotion. (G. I., H. D., No. 2399, dated 16th December 1889; *vide* G. R., No. 130, dated 8th January 1890.)

16. The Uncovenanted Officers of the Sind Commission are not under any legal disability in the matter of eligibility for appointment to the grade of Collector in Sind. (G. R. No. 313, dated 15th January 1892.)

17. The postings of Junior Civilians in Sind will be under the Commissioner. (G. R. No. 573, dated 26th January 1892.)

18. Special Sind allowances should be granted to Covenanted Civil Servants serving in the Land Revenue Department in Sind, namely, to a Collector or First Assistant Collector, substantive or acting, Rs. 100 a month; to a Second Assistant Collector, substantive or acting, Rs. 50 a month. (S. of S. No. 119, dated 3rd December 1885; *vide* G. R., No. 1182, dated 23rd February 1886.)

19. Members of the Covenanted Civil Service below the rank of Second Assistant Collector who may be employed in the Revenue Department in Sind should be granted a special allowance of Rs. 50 a month. (S. of S. No. 60 (Public), dated 8th July 1886; *vide* G. R. No. 6097, dated 25th August 1886.)

20. The two appointments of Deputy Commissioners in Sind are special and, carrying special pay, are not included in those for which the Sind allowance is granted. (G. R. No. 5041, dated 14th July 1886.)

21. The order of seniority of the Civil Servants who come out to India in any year is decided by the Despatch of the Secretary of State in which their appointment is communicated and is accepted by Government on that authority. The order can be altered by the Secretary of State only. (G. R. No. 6309, dated 25th October 1881.)

22. Having regard to the announcement made by the Civil Service Commissioners, with the permission of the Secretary of State, that 'the seniority in the Civil Service of India of the selected candidates shall be determined according to the order in which they stand on the list resulting from the final examination,' the position of Civil Officers in the Provincial Civil Lists should be regulated by the order in which they stand on the list resulting from the final examination in England, and should not in any way depend on the Departmental Examinations in India. It is, however, open to Local Governments to insert in the Civil List a separate statement showing the order of Civilians according to the date of passing the Departmental Examinations; but for the purposes of the general list the position of officers should, in the opinion of the Government of India, be determined by the order of merit shown at the final examination in England. (G. I., H. D., No. 11-415, dated 18th March 1885; *vide* G. R. No. 2894, dated 9th April 1885.)

23. Newly appointed Civilians are required to report their arrival in India within such period after the grant of their certificate of qualification as the Secretary of State may in each case direct. The general practice is to allow Civilians to report their arrival within five months from the date of their being certificated by the Civil Service Commissioners, but this practice does not admit of any one breaking or delaying his journey after leaving England without the special permission of the Secretary of State. (S. of S. No. 3, Public, dated 12th March 1885; *vide* G. R. No. 3024, dated 14th April 1885.)

24. The Comptroller of India Treasuries should be informed, when occasion arises, of the dates from which members of the Bombay Civil Service are permitted to retire from the service as well as of the amounts of annuities payable to each. (G. R., No. 8303, dated 13th October 1885.)

25. Under instructions from the Secretary of State, it is hereby notified for general information, that at and after the examination to be held in the year 1892 for the selection of candidates for the Civil Service of India, no candidate will be admitted to the examination whose age was less than 21 years and more than 23 on the 1st April preceding the date of examination. (G. I. Notn. No. 2183, dated 22nd November 1889; *vide* G. R. No. 9256, dated 6th December 1889.)

26. The concession of allowing newly appointed Civil Servants to remain in England an additional year for the purpose of graduating in Honours at

the Universities has been withdrawn, and no exception to this decision will be made. The young Civilians will be required to report their arrival in India within the prescribed period after passing their final examination. (S. of S. No. 4, Public, dated 9th January 1890; *vide* G. I., H. D., No. 316, dated 15th February 1890, and G. R. No. 1712, dated 4th March 1890.)

27. Information as regards casualties among Civil Servants of the Bombay Presidency occurring out of India, will be communicated to the Government of Bombay from the Home Department of the Government of India. (G. I., H. D., No. 428, dated 27th September 1892; *vide* G. R. No. 8219, dated 17th October 1892.)

28. The Secretary of State for India has decided that a Covenanted Civil Servant who is permanently transferred from one Presidency to another should, as heretofore, execute a fresh covenant, but that he must continue to subscribe to that fund (and that fund only) to which, at the time of transfer, he subscribes. (G. I., H. D., No. 1493, dated 9th October 1883; *vide* G. R. No. 7954, dated 26th idem.)

29. The following orders were issued in the case of an Indian Civil Servant who had been removed from the European General Hospital to the Lunatic Asylum:—

"Mr.—seems to have been treated with all kindness and consideration both in the Hospital and at the Asylum, but he should not have been sent by the Hospital authorities to the Asylum as a pauper, or through the intervention of the Commissioner of Police, under Section 4 of Act XXXVI of 1858, until at any rate other means provided for obtaining his admission into the Asylum had been exhausted. The course which should have been taken is that pointed out in the two last paragraphs* of the Surgeon General's letter. That officer should be so informed and requested to issue orders accordingly for the information and guidance of the officers of the Medical Department."

(G. R., F. D. No. 1941, dated 1st June 1891†.)

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*"4. But in Bombay, where there are many medical officers, Mr.——should have been sent to the Lunatic Asylum under Section 7 and without the intervention of the Commissioner of Police, by having Form A signed by two medical officers and Form B by any one interested in the patient, by myself or any Government Secretary. This would have been the best procedure in such a case as Mr.——'s. Still, had the papers been made out in Ratnágiri, they must have been so under Section 4, because there only one medical signature could have been obtained and a Magistrate's order must have been the authority for taking the insane person to the Asylum.

"5. I could not make any report to Government regarding Mr.——'s case, because the Physician in charge of the European General Hospital did not report to me, and indeed your letter under reply gave me the first information I had of the case. Considering Mr.——was a Government servant, his case should have been reported for the information of Government, and had it been so I would have appointed a Medical Board to report on the state of mind of Mr.——and he would then have been sent to the Lunatic Asylum without any order from the Commissioner of Police."

† G. R., G. D. No. 2473, dated 11th July 1891, directs that if a Covenanted Civil Servant should be brought to the European General Hospital, steps should be taken for the assembling of a

30. It is considered very important to have all the funds which are now, or may hereafter become Government funds like the Bombay Civil Fund, or in the management of which Government to any extent takes a part, dealt with in one special office. It is, therefore, undesirable to remove the management of the Bombay Civil Fund from the office of the Examiner of Funds, Calcutta, unless very strong grounds can be shown for the change.

Under the orders conveyed in the Despatch from the Secretary of State, No. 2, dated 21st February 1884, deductions on account of subscriptions to the Civil Fund will be made in England from the furlough allowances of a member on leave, any adjustment rendered necessary by changes in the families or other causes, being made by the Accountant General, Bombay, on the return of the member to duty in India. A member proceeding on furlough should be careful to see that the necessary particulars as to the recoveries to be made on account of the fund are duly noted in the last pay certificate by the Accountant General, Bombay, if he elects to arrange for the payment of his subscriptions in the manner abovementioned. While absent in England, the members are required also to report any changes both to the India Office and to the Examiner of Funds, Calcutta.

The authority to grant loans rests with the Government of Bombay, and the recovery of loans follows the grant of loans, and is watched by the Accountant General, Bombay.

With a view to remove any inconvenience which might arise from the time required for formal report from the Examiner of Funds, the Government of Bombay is authorized to admit families of deceased members provisionally to the benefits of the rules, pending receipt of report from the Examiner of Fund Accounts, under such precautions as the Local Government may think fit to prescribe.

(G. I., F. & C. No. 2186, dated 26th July 1884; *vide* G. R. No. 6681, dated 19th August 1884.)

31. The practice of the Bombay Civil Fund has been to charge interest on loans received by officers returning to India from an extension of ordinary furlough on medical certificate. The authority to issue orders regarding the grant and recovery of loans rests with the Government of Bombay, but in doubtful cases reference should be made to the Gov-

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Medical Board and the procuring of certificates as directed by the Surgeon General with the Government of Bombay in the following letter addressed by him to the Physician of that Hospital, No. 3066, dated 15th May 1891 :—

"With reference to the case of Mr.——— of the Bombay Civil Service, I am directed to inform you that he should have been sent to the Lunatic Asylum under Section VII of Act XXXVI of 1858 and not under Section IV (or VI). You should have reported the case for the information of the Surgeon General and then Mr.——— would have been brought before the standing Medical Board and sent to the Asylum under Form A signed by two medical officers and Form B signed either by a Secretary to Government or by the Surgeon General."

ernment of India, which will, if necessary, address the Secretary of State. (G. I., F. & C., No. 508, dated 30th April 1885; *vide* G. R. No. 3921, dated 15th May 1885.)

The following "Indian Civil Service Family Pension Regulations" are designed to secure suitable provisions for the widows and orphans of members of the Covenanted Indian Civil Service not being subscribers to the Bengal, Madras, or Bombay Civil Funds.

The Secretary of State for India in Council reserves to himself the absolute right to regulate from time to time the contributions to be required from Civil Servants under these regulations, and to make any alterations in the regulations themselves that may appear to him equitable; provided always that the scale of pensions fixed thereby shall not be reduced in the case of actual incumbents. The Secretary of State in Council will endeavour to adjust the contributions to be levied from officers exactly, so that they shall neither be too large nor too small to supply the pensions provided for by these regulations. But if it should appear on experience that they have been fixed too low, the Government will not require any supplementary retrospective payments; and if they are found to have been fixed too high, no claim to refund will be admitted.

No insurance fund is established by these regulations. The contributions will be credited and the pensions charged directly to the Indian revenues as civil receipts and charges. But in order to adjust the rates of contribution from time to time to what is necessary to supply the pensions provided for by these regulations and no more, a separate *pro formâ* account will be kept of all contributions levied and all payments made under these regulations, and of the interest which would have been allowed upon such contributions if a mutual insurance fund had actually been established.

In accordance with the principle announced in this notification, that the Government does not intend that the pensions provided by these regulations shall bring any charge on the Indian revenues in excess of the amount specially sanctioned for the purpose, the rates of interest and of exchange with England to be allowed in this *pro formâ* account will be the rates which may be fixed from time to time by the Secretary of State in Council upon a consideration of the market rates of the day.

All needful statistics of ages, births, deaths, and marriages will be carefully registered, and these statistics, with the *pro formâ* accounts, will be submitted at such periods as may be determined by the Secretary of State in Council to such actuary or actuaries as he may select, with instructions to investigate and ascertain whether the rates of contribution are such as will, at the rate of interest and exchange then to be reconsidered and refixed, supply the pensions payable under these regulations,

and no more. The expense of such actuarial inquiries and reports shall be debited in the *pro formâ* accounts reported upon.

Upon the report of the actuary or actuaries, the Secretary of State in Council will order any necessary alterations in the rates of contribution.

The report of the actuary or actuaries, with the orders of the Secretary of State in Council thereupon, shall be published in the *Gazette of India*, and no alteration ordered in the rates of contribution will take effect before the beginning of the month following the date of such publication. No retrospective adjustments will be made.

The benefits provided at the cost of the State are shown in the regulations; but should it at any time appear from a valuation that the aggregate liabilities on account of those benefits, when the pension list shall have reached a normal state, will exceed £35,000 per annum, they will be subject to such reduction as may be necessary to restrict the annual assistance to £35,000 per annum, but the reduction shall in no case affect the benefits payable to incumbent annuitants.

REGULATIONS FOR THE PROVISION OF PENSIONS FOR THE WIDOWS AND ORPHANS OF COVENANTED CIVILIANS IN THE SERVICE OF THE GOVERNMENT OF INDIA.

1. Every Covenanted Civil Servant, not being entitled to the benefits of any of the late Civil Funds, must, as a condition of his appointment, make the contributions and payments prescribed by these regulations according to his class, whether he is married or unmarried, and with or without children. Subscriptions will commence from the date of arrival in India.

2. For the purposes of these regulations Civil Servants are classed as follows:—

Class I.—From 18 years' completed service.
" II.—From 15 to 18 years' completed service.
" III.—From 12 to 15 years' completed service.
" IV.—From 7 to 12 years' completed service.
" V.—Up to 7 years' completed service.

3. The pensions provided under these regulations are payable quarterly in advance on or after 1st January, 1st April, 1st July, and 1st October.

4. The amounts of the pensions provided are as follows:—

TABLE I.

Annual pension to a Widow during widowhood according to the class of her husband at the time of his death.

	CLASS OF HUSBAND AT DEATH.				
	I.	II.	III	IV.	V.
	£	£	£	£	£
Provided by subscriber	300	240	180	140	100
Do. Government	...	60	120	110	150
Total ...	300	300	300	250	250

Widows retain half pension on re-marriage and revert to full rate on second widowhood.

TABLE II.

Annual pensions to the Orphan Children of all classes alike.

	From birth till age of 6 years.	From age of 6 till age of 12 years.	From age of 12 till age of 21 years for boys, and for girls till marriage.
	£ s. d.	£ s. d.	£ s. d.
Provided by subscriber	18 15 0	37 10 0	75 0 0
Do. Government	6 5 0	12 10 0	25 0 0
Total ...	25 0 0	50 0 0	100 0 0

The pensions of motherless orphans at all ages will be made up by the Government to £100.

On marriage, daughters will be granted a donation of £250 to be provided by the Government.

Annuitants residing in India may either receive their pensions in Indian currency at the official rate of exchange, or in England in sterling; but having once exercised the option, any subsequent change can only be permitted at the commencement of the official year.

5. The pension of a minor orphan will be paid to his or her mother, or other duly appointed or recognised guardian.

Contributions.

6. The contributions for pensions under these regulations and the pensions of widows will be regulated by the class of the contributing member. A subscriber cannot secure a higher pension for a widow by contributing as if he belonged to a higher class.

7. Contributions will be deducted from salaries at the time of issue.

8. The circumstance that an officer is not in receipt of pay does not relieve him from the necessity of paying his contributions.

9. *Donations* may be paid in one sum, or in twelve equal monthly instalments. If a donation be paid in instalments, interest on the unpaid portion will be levied at the rate of 4½ per cent. per annum. Instalments will be liable to alteration in amount according to the rate of exchange which may be enforced for the year during which they are recovered, in accordance with the principle laid down that the equivalent of sums payable in sterling shall be paid by the subscribers in India. The

balance of any contribution due at an officer's death will be recovered rateably, without interest, from the pensions of his widow and orphans in four quarterly instalments.

10. Contributions which become due from subscribers when in Europe must be paid in England in sterling. If a subscriber, previous to quitting India, has commenced the payment of any donation by instalments, he may either complete the payment of the donation in India before leaving, or pay the remaining instalments in England at English rates.

11. The following are the rates of donations, disparity fines, and monthly contributions prescribed for the present:—

TABLE III.

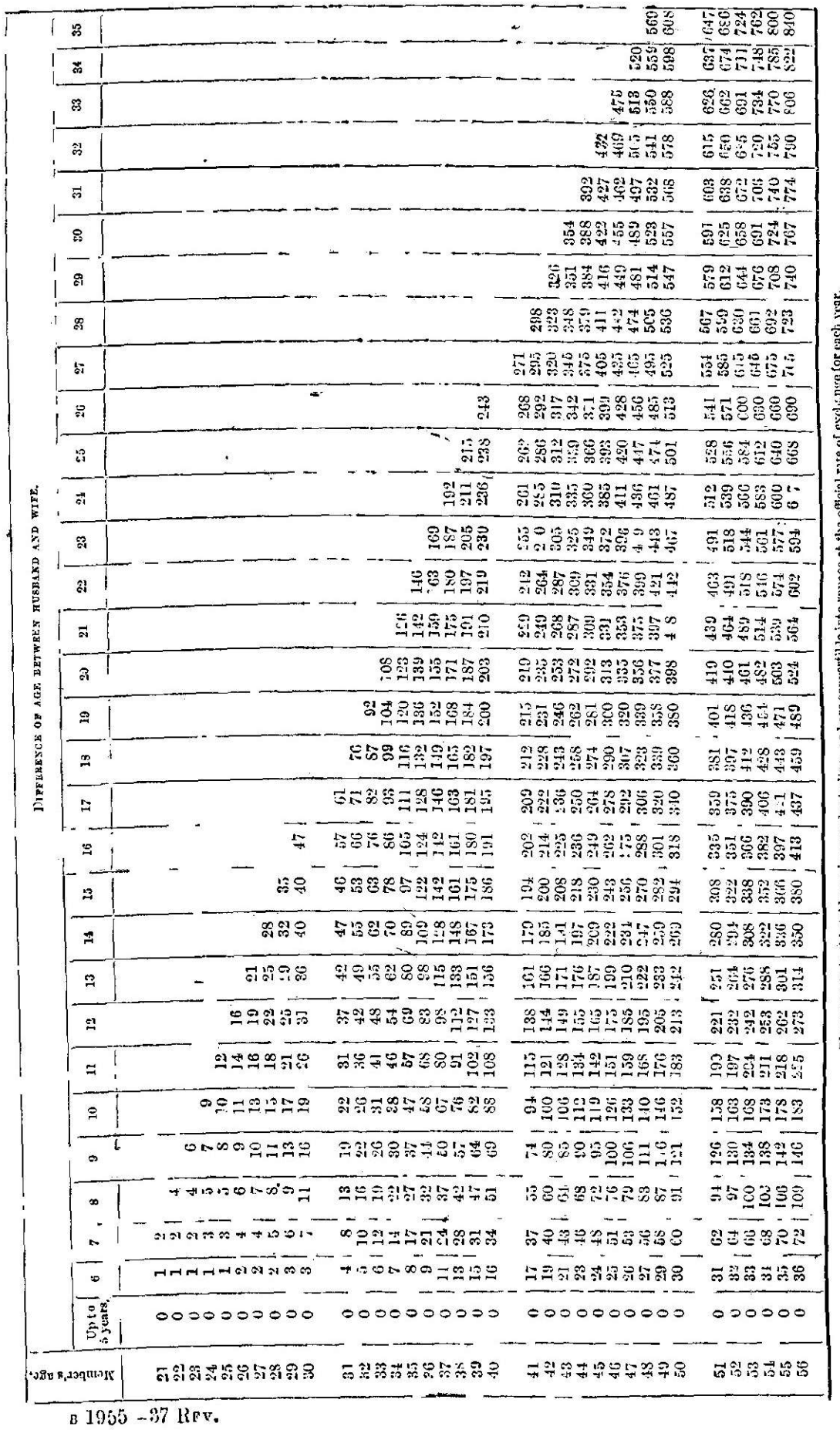
Donations on entering the service married, on marriage, or re-marriage, according to the age of member.

Member's age on marriage.	Donation.	Member's age on marriage.	Donation.
	£		£
21	60	39	190
22	62	40	220
23	64	41	260
24	68	42	300
25	72	43	330
26	76	44	360
27	80	45	385
28	84	46	410
29	88	47	435
30	92	48	450
31	96	49	470
32	100	50	490
33	105	51	505
34	110	52	520
35	115	53	535
36	125	54	560
37	140	55	580
38	160	56	600

TABLE IV.

Disparity of age.

If the age of the husband exceed that of the wife by five years or more, then the marriage donation shall be increased according to the following scale:—



The amounts in this table are in pounds sterling, and are convertible into rupees at the official rate of exchange for each year.

TABLE V.

Monthly contribution by every Subscriber according to his class.

Class.	Years' service.	By each Married Subscriber.		By each subscriber who is unmarried or a widower.
		Fixed sterling rate.	Reduced temporarily 27½ per cent.	
		£ s. d	£ s. d.	£ s. d.
V	0 to 7	1 13 4	1 4 2	1 5 0
IV	7 to 12	2 16 8	2 1 1	1 15 0
III	12 to 15	4 6 8	3 2 10	2 12 0
II	15 to 18	6 16 8	4 19 1	3 12 0
I	18 and over	9 13 4	7 0 2	.....
	18 to 23	...	...	4 15 0
	23 to 28	...	...	5 15 0
	28 till retirement	...	...	7 5 0
After retirement, irrespective of class...		4 3 4	3 0 5	2 1 8

TABLE VI.

Monthly contribution payable by all classes alike on the birth of a child, and on entering the service for each child then living.

	Fixed sterling rate.			Reduced temporarily 27½ per cent.		
	£	s.	d.	£	s.	d.
For a son	0	11	5	0	8	3
For a daughter ...	1	1	3	0	15	5

The monthly contribution continues in the case of sons until 21 years of age, and for daughters until marriage.

Arrears.

12. Interest at the rate of 4½ per cent. per annum will be charged on arrears. Donations become due from the date of marriage; but interest will not be charged on sums paid within one month from the date on which they become due.

Reports of Marriages, Births, and Deaths.

13. A Civil Servant who is married at the date of his admission into the service must report the fact of his marriage* at the time, and the names and dates of birth of his children if any have been

* Reports of marriage must be accompanied by a certified copy of the registry, together with the dates of birth of the member and his wife.

born to him. A member in the service must report his marriage,* or the birth of a child born in wedlock, or the death of a wife or child, within one month of the occurrence, to the † Comptroller, India Treasuries, at Calcutta, or the Director of Funds, India Office, when an officer is out of India.

14. The birth of every child born alive must be reported; but if a child die before it is thirty days old, no payment in respect to it will be required. If the report of birth be not made within one month of the occurrence, a fine of 12*s.* will be imposed, and an additional 2*s.* will be charged for each succeeding month's delay.

15. If the report of a marriage be not made within one month of the occurrence, the donation payable will be increased 2½ per cent., and interest thereon charged from the date of marriage. After six months' delay the donation will be increased 5 per cent., and interest charged as above. An officer, who is subjected to the penalty prescribed in this article for delay in reporting his marriage, and who desires to pay his donation by instalments under Art. 9, should be allowed twelve months from the date of his report to do so.

16. In the event of the report of a marriage or the birth of a child not being made by a subscriber during his lifetime in accordance with the rules, the widow or child will not be entitled to any benefits.

Posthumous Child.

17. A pension will be granted to a posthumous child without any payment, provided the birth be reported within one month of the occurrence.

Duration of Pensions.

18. If a widow re-marry, she will retain half her pension during coverture; but if she again become a widow, she will be entitled to revert to full pension as widow of her first husband, or, if her last husband have been a contributor, to receive a pension at her option as his widow. A widow can only receive one pension.

19. The pension of a male orphan is payable until he attains the age of 21 years.

20. The mother or guardian of a male orphan who has completed the age of 16 may, at any time thereafter, have the residue of his pension commuted into a single payment, for the due application of which the mother or guardian will be held responsible.

21. The pension of a female orphan continues until her marriage, and then ceases absolutely. It does not revive on widowhood.

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* Reports of marriage must be accompanied by a certified copy of the registry, together with the dates of birth of the member and his wife.

† G. I., F. & C., Notn. No. 22?, dated 17th January 1896; *vide* G. R. No. 1228 dated 8th February 1896.

Good Conduct.

22 The pension provided under these regulations shall in all cases be held during good behaviour only, and will be withheld if any pensioner is found to be leading an immoral life, or on proof of any gross misconduct. The order of the Secretary of State for India in Council in any such case shall be final and conclusive.

Alienation of Pension.

23. A pension paid under these regulations may not be transferred or assigned, or in any way alienated from the pensioner to whom or for whose benefit it is payable.

Retired Members.

24. All members who retire from the service on annuities may continue to subscribe at the monthly rates laid down in these regulations.

25. Married annuitants may commute their monthly contribution by a single payment representing the value thereof during the joint lives of husband and wife and father and child.

26. In the event of the wife dying after the date of commutation, contribution at the unmarried rate must be resumed, or, as an alternative, it may be commuted.

27. An annuitant who has commuted will on re-marrying become liable for marriage donation and the difference between the married and unmarried rates of contribution, or the commuted value on the joint lives.

28. Widowers and bachelors may also commute their monthly contribution for life. On each subsequent marriage they will become liable for the donation and difference of contribution laid down in the previous article.

29. Contribution or its commuted value must be paid for all children born to a subscriber after his retirement from the service.

30. An annuitant withdrawing his name from the list of subscribers will forfeit all claim to pension in respect of his widow and children, and will not be entitled to any refund of his payments under these regulations.

Dismissed Members.

31. A subscriber who is dismissed the service by competent authority will cease, *ipso facto*, to be a contributor. He will have no claim to any refund, and his family will not be entitled to any pensions under these regulations.

Certificates.

32. Declarations as to continued widowhood and the survival of children must be furnished quarterly to the Accountant General, India Office, by whom

pensions in Europe are paid under the authority of the Director of Funds, or to the proper officer in India.

Note.—In England all reports and applications for pensions must be made to the Director of Funds, India Office, Whitehall, London, S.W.

(G. I., F. & C., No. 3094-P, dated 17th July 1896, and No. 3215-P, dated 23rd July 1898; *vide* G. Rs. No. 8728, dated 5th November 1896, and No. 5281, dated 16th August 1898.)

32. In the construction of the scheme for granting pensions under Civil Service Family Pension Regulations, it was assumed that service for the purpose of transfer from class to class would commence from the date of the covenant of a Civil Servant or from the date of the Despatch of the Secretary of the State announcing the appointment (whichever may have been earlier) as laid down in the Civil Pension Code. (S. of S. No. 4 (Finl. Funds), dated 13th June 1889; *vide* G. R. No. 5884, dated 13th August 1889.)